



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/812,247      | 03/19/2001  | Bradley S. Hoyl      | M-9698 US           | 7809             |

33031 7590 10/09/2002

CAMPBELL STEPHENSON ASCOLESE, LLP  
4807 SPICEWOOD SPRINGS RD.  
BLDG. 4, SUITE 201  
AUSTIN, TX 78759

EXAMINER

WOOD, KIMBERLY T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3632

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/812,247

Applicant(s)  
Hoyl et al.

Examiner  
Kimberly T. Wood

Art Unit  
3632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 1, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16, 18-28, and 30-37 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16, 18, 19, 21, and 22 is/are allowed.
- 6) ☒ Claim(s) 1-9, 20, 23-28, and 30-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3632

This is the first office action for serial number 09/812,247, entitled Fiber Optic Cabling Management Using Hook and Loop Fabric, in response to Amendment A filed on June 1, 2002.

***Allowable Subject Matter***

The indicated allowability of claims 34-37 are withdrawn in view of the reference(s) to Ericksen. Rejections based on the cited reference(s) follow.

**Claim Rejections - 35 USC § 112**

The applicant within claim 1, lin 15, The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 and 20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the head defining an opening through which the other end or tail of the cable fastener may be pulled, does not reasonably provide enablement for the head defining an opening through which the head of the cable fastener is pulled. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

Art Unit: 3632

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 23, 26, 27, 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Cole 5,604,961. Cole discloses a substrate or frame means (50F) with a first plurality of fasteners of one of a plurality of hook and loop mechanisms, a cable fastener (50) comprising a single type of fastener of the one of the plurality of hook and loop mechanisms for engaging the first fastener type (see figure 10). The cable fastener having a body (see figures 4 and 5), a head portion (64) defining an opening (near 72), and a variable width opening (which is formed when the tail end of the fastener is inserted through the head of the fastener).

Claims 1, 4-9, 23, 26-28, 30, 31-34, 36, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ericksen et al. (Ericksen) 5,242,063. Ericksen discloses a substrate (222) with hook and loop mechanisms (26) attachable to a rigid frame (10) that is planar, a cable fastener or tie wrap (30) having a head (39 with an opening (40) and hook and loop connectors or mechanisms. The fastener connectable through hook and loop fasteners to the hook and loop fasteners of the substrate, means for coupling substrate to frame (27), .

Art Unit: 3632

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of Kobe 5,691,021. Cole discloses all of the limitations of the claimed invention except for the pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms. Kobe teaches that it is known to have pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms (See entire document). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Cole to have made the hook and loop means of pine-tree shaped or mushroom-shaped stems as taught by Kobe since both are mechanical equivalents used for attaching.

Claims 2, 3, 24, 25, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericksen et al. (Ericksen) 5,242,063 in view of Cole. Ericksen discloses all of the limitations of the claimed invention except for the pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms. Kobe teaches that it is known to have pine-tree shaped or mushroom-shaped stems being the hook and loop mechanisms (See entire document). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Ericksen to have made the hook and loop means of pine-tree shaped or mushroom-

Art Unit: 3632

shaped stems as taught by Kobe since both are mechanical equivalents used for attaching. The frame being considered the wall (10) and walls are known to have cabling, piping, and beams within the walls.

***Allowable Subject Matter***

Claims 11-16 and 18, 19, 21, and 22 are allowed.

***Response to Arguments***

Applicant's arguments filed June 1, 2002 have been fully considered but they are not persuasive.

In regards to the arguments for Cole, the reference clearly teaches a cable fastener comprising a single type of fastener for engaging the first fastener type. Cole discloses that the cable fastener (50) that is releasably coupled to a substrate (50f). The cable fastener has one type of fastener means such as loop or hook and the substrate has one type of fastener to releasably couple with the fastener of the cable fastener.

In regards to the arguments for Ericksen, the reference clearly teaches a cable fastener comprising a single type of fastener for engaging the first fastener type. Ericksen discloses that the cable fastener (30) that is releasably coupled to a substrate (20). The cable fastener has one type of fastener means such as loop or hook and the substrate has one type of fastener to

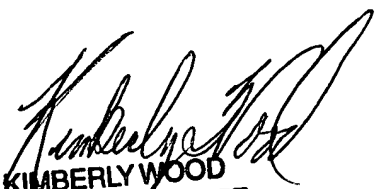
Art Unit: 3632

releasably couple with the fastener of the cable fastener. Ericksen discloses a frame (10) which is a wall which is well known in the art to accommodate many types of cabling, piping, and beams.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9326. The fax number for an Official After Final Amendment or Response is (703) 872-9327.

Kimberly Wood  
Primary Examiner  
October 1, 2002

  
KIMBERLY WOOD  
PRIMARY EXAMINER